

REMARKS

For the foregoing amendment claims 1-20 has been cancelled without disclaimer or prejudice in favor on new claims 21-39.

In drafting new claims 21-39 applicants have been mindful of the Examiner's previous rejection of claims 1-20 under 35 U.S.C. 112, and applicants have utilized Markush language instead of the previously used "such as language", "obtainable" has been replaced with "obtained", and multiple uses of "or" "and/or" have also been replaced with Markush language to clarify the intention of the claims.

The expression "acrylic modified fumarate ester" indicates a ester acrylate, where the ester is fumaric ester. Acrylic, methacrylic or β -methyl acrylic modified fumarate ester in previous Claim 1 has been replaced with ester acrylates, ester methacrylates, ester β -methyl acrylates and the ester has been specified in a new depend Claim 22 to be fumaric ester.

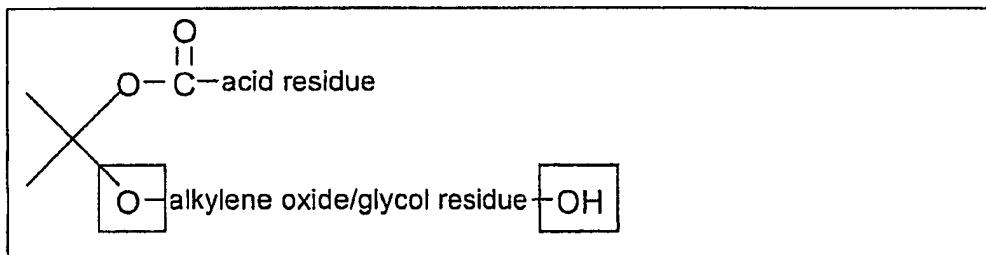
According to the Examiner, glycidyl acrylate, glycidyl methacrylate and glycidyl β -methyl acrylate in original Claim 1 have already been recited as epoxy acrylate, epoxy methacrylate and epoxy β -methyl acrylate.

However, for a person skilled in the art, an epoxy acrylate is an acylated epoxy resin, not an epoxylated acrylate. Applicants therefore keep glycidyl acrylate, glycidyl methacrylate and glycidyl β -methyl acrylate as examples of non-amphiphilic radiation curable oligomers and polymers in new Claim 21.

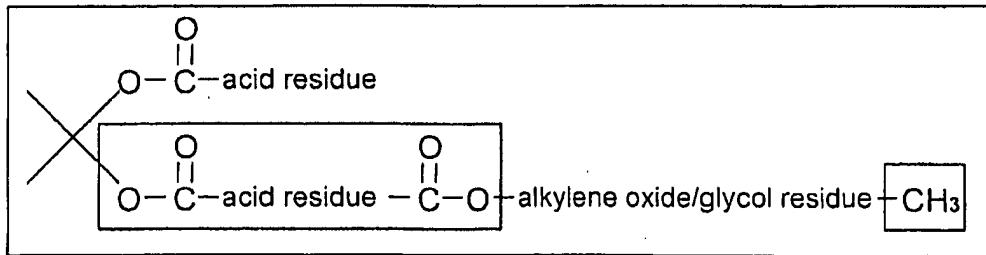
Previous claim 5 has been divided into two separate claims (Claims 26-27). The unit for molecular weight "g/mole" has here been added with reference to the examples. Previous Claim 13 (new Claim 35) has been rephrased in order to make it clearer, and original Claim 17-20 have been deleted from the newly presented claims. Thus, the previous rejection of the claims under 35 U.S.C. 112, second paragraph or 35 U.S.C. 101 are deemed moot as applied to the newly presented claims 21-39.

Reconsideration and withdrawal of the previous rejection of the claims as anticipated under 35 U.S.C. 102 (e), over either U.S. Patent 7,094,826 or WO 02/32982, is respectfully requested in view of the following comments.

US Patent 7,094,826, according to the Examiner anticipates the claimed invention, but really discloses not the claimed invention, but another way of obtaining water dispersability. The method according to this reference results in a different molecule than the claimed method. Since the methods are chemically different you cannot draw any conclusions about the properties without hindsight. US Patent 7,094,826 discloses a partly alkoxylated dendritic airdrying (fatty acid) polymer of the alkyde type, having at least one acid residue and at least one hydroxy terminal alkylene chain added by means of one ester and one ether bond. The claimed invention, however reveals an amphiphilic dendritic polymer (polyester) having at least one acid residue and at least one acid-alkylene-alkyl residue added by means of ester bonds.



General structure of a part of the dendritic polymer in US 7,094,826.



General structure of corresponding part of our dendritic polymer.

Thus, neither US 7,094,826 (nor its PCT equivalent WO/0232982) anticipate the claims.

The other two documents that the Examiner refers to are not relevant to this case. US Patent 7,091,308 is our commonly assigned previous patent that describes a chain extended dendritic polyether and US Patent 7,235,600 describes a latex binder wherein a dendritic polymer is one of the co-polymerized monomers. For a person skilled in the art, latex binders have nothing in common with polyester/polyether resins. None of these documents reveals the fact that water dispersability can be obtained by letting an adduct of at least one monoalkylated polyethylene glycol and at least one dicarboxylic acid (or corresponding anhydride) react with the terminal hydroxyl groups of the dendritic core polymer.

For the foregoing reasons, favorable reconsideration and withdrawal of all of the previous rejections and passage of the application to issue are respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1437, under Order No. 8722.010.US0000.

Date: March 18, 2009

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689
NOVAK DRUCE & QUIGG LLP
1300 Eye Street, NW
1000 West Tower
Washington, DC 20005
Telephone: (202) 659-0100
Facsimile: (202) 659-0105